

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Docket No: Q79750

Kimio OZAWA

Appln. No.: 10/774,844

Group Art Unit: 2613

Confirmation No.: 9488

Examiner: Nathan M. Curs

Filed: February 10, 2004

For: APPARATUS, METHOD AND PROGRAM FOR CONTROLLING OPTICAL POWER

**INFORMATION DISCLOSURE STATEMENT
UNDER 37 C.F.R. §§ 1.97 and 1.98**

MAIL STOP AMENDMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
Sir:

In accordance with the duty of disclosure under 37 C.F.R. § 1.56, Applicant hereby notifies the U.S. Patent and Trademark Office of the documents which are listed on the attached PTO/SB/08 (modified) form and/or listed herein and which the Examiner may deem material to patentability of the claims of the above-identified application.

1. JP 11-218790 A, published August 10, 1999, along with an English language Abstract;
2. WO 01/015291 A1, published March 1, 2001, was previously cited in an IDS filed on February 7, 2008;
3. JP 11-196068 A, published July 21, 1999, was previously cited in an IDS filed on February 7, 2008;
4. JP 9-261205 A, published October 3, 1997, was previously cited in an IDS filed on February 7, 2008;
5. JP 11-312848 A, published November 9, 1999, was previously cited in an IDS filed on February 7, 2008;

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6. JP 8-278523 A, published October 22, 1996, was previously cited in an IDS filed on February 7, 2008;

7. JP 10-336114 A, published December 18, 1998, was previously cited in an IDS filed on February 7, 2008;

8. JP 2000-216731 A, published August 4, 2000, was previously cited in an IDS filed on February 7, 2008;

9. JP 10-210008 A, published August 7, 1998, was previously cited in an IDS filed on February 7, 2008;

10. JP 11-298408 A, published October 29, 1999, was previously cited in an IDS filed on February 7, 2008;

11. JP 2000-069510 A, published March 3, 2000, was previously cited in an IDS filed on February 7, 2008;

12. JP 2000-312185 A, published October 7, 2000, was previously cited in an IDS filed on February 7, 2008;

13. JP 2001-044970 A, published February 16, 2001, was previously cited in an IDS filed on February 7, 2008;

14. JP 2002-156667 A, published May 31, 2002, was previously cited in an IDS filed on February 7, 2008;

15. JP 2002-252595 A, published September 6, 2002, was previously cited in an IDS filed on February 7, 2008;

16. JP 11-331093 A, published November 30, 1999, was previously cited in an IDS filed on February 10, 2004;

One copy of each of the listed documents is submitted herewith or previously, except for the following: U.S. patents and/or U.S. patent publications; and co-pending non-provisional U.S. applications filed after June 30, 2003.

The present Information Disclosure Statement is being filed after the later of three months from the application's filing date and the mailing date of the first Office Action on the

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merits, but before a Final Office Action, Notice of Allowance, or an action that otherwise closes prosecution in the application (whichever is earlier), and therefore Applicant is filing concurrently herewith a Statement Under 37 C.F.R. § 1.97(e). No fee under 37 C.F.R. § 1.17(p) is required.

In compliance with the concise explanation requirement under 37 C.F.R. § 1.98(a)(3) for foreign language documents, Applicant encloses herewith a copy of a corresponding Japanese Office Action dated March 3, 2009, along with an English translation of the pertinent portions thereof which cites such documents and indicates the degree of relevance found by the foreign patent office.

The submission of the listed documents is not intended as an admission that any such document constitutes prior art against the claims of the present application. Applicant does not waive any right to take any action that would be appropriate to antedate or otherwise remove any listed document as a competent reference against the claims of the present application.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

/Howard L. Bernstein/

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WASHINGTON OFFICE

23373

CUSTOMER NUMBER

Date: May 6, 2009

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STATEMENT UNDER 37 C.F.R. § 1.97(e)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
Sir:

The undersigned hereby states, upon information and belief:

Except where noted in the above Information Disclosure Statement, each item of information contained in the Information Disclosure Statement filed concurrently herewith was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of said Information Disclosure Statement.

Respectfully submitted,

/Howard L. Bernstein/

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